

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

JOEL DOUGLAS, et al.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	2:20-cv-00227-JDL
	)	
SCOTT LALUMIERE, et al.,	)	
	)	
Defendants	)	

**ORDER ON PLAINTIFFS' MOTION FOR LIMITED DISCOVERY**

This matter is before the Court on Plaintiffs' motion for leave to conduct limited discovery regarding their claims against Defendants David Jones and F.O. Bailey Real Estate, LLC. (Motion for Limited Discovery, ECF No. 215.) Plaintiffs filed their motions after Defendants David Jones and F.O. Bailey Real Estate, LLC moved to dismiss Plaintiffs' amended complaint. (Motion, ECF No. 203.) Citing *New England Data Services, Inc. v. Becher*, 829 F.2d 286, 290 (1st Cir. 1987), Plaintiffs seek leave to conduct discovery to the extent necessary to satisfy the requirements of Federal Rule of Civil Procedure 9(b) before the Court considers Defendants' motion to dismiss.

Plaintiffs previously filed motions to conduct limited discovery in response to motions to dismiss filed by other defendants in this matter. (Motions for Limited Discovery, ECF Nos. 46, 103, 107, 113, 129, 136, 143, 145, 165, and 202.) The Court denied without prejudice Plaintiffs' prior motions, concluding that "Plaintiffs' requests to conduct discovery are more appropriately evaluated when the Court, as part of its assessment of Defendants' motions to dismiss, determines whether Rule 9(b) has been

satisfied and whether Plaintiffs have otherwise stated an actionable claim.” (Order at 3 ECF No. 156, Order at 2, ECF No. 213.)

Here, for the same reasons discussed in its January 21, 2021, Order (ECF No. 156) and April 6, 2021, Order (ECF No. 213), the Court denies Plaintiffs’ motion without prejudice. The Court will consider Plaintiffs’ request as part of the Court’s assessment of Defendants’ pending motion to dismiss.<sup>1</sup>

**NOTICE**

Any objections to this Order shall be filed in accordance with Federal Rule of Civil Procedure 72.

/s/ John C. Nivison  
U.S. Magistrate Judge

Dated this 20th day of May, 2021.

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<sup>1</sup> Plaintiffs requested leave to conduct discovery in their response to the motion to dismiss. (Response at 19, ECF No. 214.)